
Appeal Decision

Site visit made on 8 September 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/M3645/W/20/3251189

526 Limpsfield Road and 1 Birch Way, Warlingham CR6 9DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by RAA Warlingham Limited against the decision of Tandridge District Council.
 - The application Ref TA/2019/1653, dated 10 September 2019, was refused by notice dated 27 February 2020.
 - The development proposed is the demolition of the two existing buildings and the erection of a building to provide nine residential units and a pair of semi-detached houses, together with 19 parking spaces and amenity space.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by RAA Warlingham Limited against Tandridge District Council. This application is the subject of a separate decision.

Procedural Matter

3. The proposal was revised during the course of the application. However, the description of development used by the Council does not accord with revised plans on which the Council made its decision. I have taken the description of development used in the banner heading from the appellant's appeal form as more accurately reflecting what is proposed in the plans.

Main Issues

4. The main issues are the effect of the development upon:
 - The character and appearance of the area
 - The living conditions of future occupants with regard to internal space standards, outdoor recreation space and privacy
 - The living conditions of neighbouring occupants at 3 Birch Way with regard to outlook, and 528 Limpsfield Road with regard to noise and disturbance
 - Highway safety
 - Ecological interests.

Reasons

Character and appearance

5. The area is predominantly residential in nature with houses fronting residential streets taking access off Limpsfield Road, which forms the main road running through Warlingham.
6. In the vicinity of the appeal site, Limpsfield Road is mainly residential in character with detached and semi-detached houses set back from the road frontage, with sufficient space in front gardens to accommodate mature trees, which are a feature of the streetscene. Building designs and materials are varied but are generally traditional in form with brick or rendered elevations and fully pitched, hipped or gabled roofs.
7. There are examples of infill development having taken place along Limpsfield Road recently, including blocks of flats at Spire Place and adjacent to the Elizabeth House Medical Practice, and a retirement complex at Harewood Court. These are of a larger scale than the prevailing houses and of two and a half or three storeys in height. They nevertheless reflect certain characteristics of Limpsfield Road in being set back from the road and in most cases having mature trees and landscaping along their frontages.
8. Birch Way is a cul-de-sac and is more uniform in character with detached bungalows on similar sized plots positioned along regular building lines fronting the road.
9. The proposed buildings would project in front of the general line of buildings along Limpsfield Road, and in front of the well defined building line along Birch Way. This positioning, combined with the greater height and mass of the buildings, in particular the block of flats, when compared to the existing bungalow at 1 Birch Way and surrounding buildings, would in my estimation appear overly prominent and cramped when viewed along either road.
10. The lack of space around the building would also reduce the opportunity for landscaping. I acknowledge that the trees along the frontage of 526 Limpsfield Road would be retained and the removal of the boundary fence along the side of 1 Birch Way would be of benefit in the short term, but I consider the space left around the block of flats to be insufficient to allow large trees to grow to maturity in the longer term. Landscaping of any significant height would have to be curtailed because of the need to ensure adequate light to the flats, particularly those in the forward most range which are of single aspect.
11. I also have concerns about the design of the buildings. The block of flats has a disjointed roof form with two parallel ranges, one shorter than the other, necessitating flat roofed sections to join them and create space at the second floor level. The most obvious of these would be an elongated, blank faced box dormer on the rear roof slope of the main range that would appear at odds with the pitched roof form of the building and those of surrounding buildings. The same also applies, albeit to a lesser degree, to the blank box dormers on the rear of the pair of semi-detached houses.
12. The design of the wing adjacent to 3 Birch Way also appears weak, with a shallow pitched surround to what is otherwise a flat roofed projection. It would be most evident in oblique views of the side of the projection, which would be seen from Birch Way. While some of the other blocks of flats in Limpsfield Road

have crown roofs, they are better proportioned with a greater amount of roof slope to vertical elevation than that proposed on the appeal scheme.

13. I conclude that, having regard to the cramped and overly prominent positioning of the buildings, lack of space for adequate landscaping and poor design, the proposed development would harm the character and appearance of the area. As a result, it would conflict with Policy CSP18 of the Tandridge District Core Strategy and Policies DP7 and DP8 of the Tandridge Local Plan Part 2, which require new development to be of a high quality design, integrate effectively with its surroundings and reinforce local distinctiveness and landscape character.

Living conditions of future occupants

14. Flat A.1.4 is laid out with one double bedroom and two single bedrooms, resulting in a 3-bed, 4-person flat rather than a 3-bed, 5-person flat as suggested by the Council. At 78.9m² it meets the nationally described space standard for a flat of that type, which requires a minimum of 74m². In the absence of any evidence to the contrary, I consider that Flat A.1.4 is of an appropriate size and would not result in harmful living conditions for its occupants.
15. The Council has measured Flats A.1.3, A.G.2 and A.G.3 as being marginally smaller than the nationally described space standard. The appellant disagrees, considering that these measurements are wrong and that the flats do meet the standard as they have been designed to do. As the measured differences are so small, and could be as a result of measuring error as acknowledged by the Council, I consider these units would provide adequate space for future occupants. The Council has also queried the ceiling heights in the second floor flats but has not provided any evidence that they would be substandard, so I give little weight to this concern.
16. Policy DP7 requires new development to provide appropriate facilities for individual and communal use including bicycle storage, amenity and garden areas proportionate to the size of the residential units and appropriate for the intended occupiers, as well as facilities for the storage and collection of refuse and recycling materials. The policy sets no minimum standards for such facilities, it being a matter for judgement in each case.
17. The development would provide suitable bicycle, refuse and recycling storage. The privacy of the ground floor flats is also addressed in the landscaping plan by the inclusion of hedging immediately around the windows. However, for the block of flats there is no individual outdoor recreation space, including balconies, for any of the flats. The communal outdoor area between the building and the adjoining roads is narrow and overlooked making it not particularly conducive as a recreation area for quiet enjoyment or outdoor activities by the occupants. I recognise that people who choose to live in flats do not expect or often want the same type of garden space as might be associated with individual properties, but the absence of any private garden space that might be used for incidental outdoor needs adds to my concerns about the development.
18. I conclude that while internal space standards and privacy are acceptable, the lack of individual recreation space and unsatisfactory communal outdoor

recreation space would be harmful to the living conditions of future occupants and therefore in conflict with Policy DP7 of the Tandridge Local Plan Part 2.

Living conditions of neighbouring occupants

19. The development would back on to the side of 3 Birch Way. The Council has expressed concern at this property's outlook, in part by reference to separation distances. I consider that the Council's measurements are wrong. As noted by the appellant, the main range is set off from the joint boundary by the width of two parking spaces and a footpath, a distance considerably more than the 3.32m quoted by the Council. The projection adjacent to the flank elevation of the bungalow would be closer.
20. Notwithstanding that inaccuracy I understand the concerns of the Council and the occupant of 3 Birch Way about the effect on outlook from that dwelling. The height and proximity of the side projection of the block of flats will inevitably overshadow the side facing windows of 3 Birch Way, and the main range will be prominent in views from the rear garden. However, views of the block of flats will only be seen in oblique views from the main windows in the rear elevation of 3 Birch Way, and the pair of semi-detached houses should have no greater impact, possibly less, than the existing house at 526 Limpsfield Road. I consider that the effect of the development on 3 Birch Way would not be so great as to be harmful to the outlook from that property.
21. The development proposes a driveway adjacent to the side boundary with 528 Limpsfield Road. I note the appellant has sought to reduce the impact of noise from vehicles using this drive by providing space for a landscape buffer along the rear part of the side boundary, and the use of surface materials to reduce tyre noise. I also note the point made by the Council that noise would arise not just from the movement of vehicles. This could include related activities such as engine noise, the opening and shutting of car doors and the coming and going of people.
22. There is already an access on the appeal site adjacent to 528 Limpsfield Road, and therefore vehicle movements take place here already. Along the section where the driveway is closest to the boundary, the neighbouring property is set away by the width of its car port and garage. The rear part, where vehicles would park, would benefit from the landscaped buffer. While I acknowledge that some additional noise would arise from the movement of vehicles and associated activities, having regard to these factors I consider that it would not be excessive or harmful to the living conditions of the adjoining occupants.
23. I conclude that the development would not have a materially harmful impact on the living conditions of neighbouring occupants at either 3 Birch Way or 528 Limpsfield Road, and would therefore comply with Policy CSP18 of the Tandridge District Core Strategy and Policy DP7 of the Tandridge Local Plan Part 2 in so far as they relate to new development being designed to avoid harm to neighbouring occupants.

Highway safety

24. The issue regarding highway safety is limited to the potential difficulty of manoeuvring a vehicle into and out of the proposed parking space nearest Limpsfield Road for the block of flats. The Council's concern is that a vehicle

could intrude on to the pavement while doing so, with a consequent risk to pedestrian safety.

25. Having studied the swept path on the Transport Statement it appears that a medium sized car could, just, manoeuvre without intersecting the pavement. The manoeuvre is not made any easier by the slanted position of the space in relation to the access and any variation from the swept path could result in a car straying onto the pavement. However, I note that the Highway Authority has not objected to the proposal and I accept that, with careful manoeuvring, a vehicle could stay within the site thus avoiding harm to pedestrian safety.
26. I conclude that the development would not have a detrimental impact on highway safety and would therefore comply with Policy CSP12 of the Tandridge District Core Strategy and Policies DP5 and DP7 of the Tandridge Local Plan Part 2 in so far as they relate to ensuring new development meets highway safety requirements.

Ecological interests

27. The appellant says that additional survey information was submitted to address points raised by Surrey Wildlife Trust in October 2019. The Council asserts that it did not receive the survey.
28. Be that as it may, the additional information has been submitted with the appeal documents¹. The survey itself was carried out in late August to early September by professional ecologists, so was conducted during an optimum period for such work. The survey found no evidence that bats were present on the site, either in the buildings or in a mature tree.
29. Having regard to this additional information, I am satisfied that the development would not have any impact on protected species. Other matters relating to ecology could potentially be addressed through conditions. The development would therefore accord with Policy CSP17 of the Tandridge District Core Strategy and Policy DP19 of the Tandridge Local Plan Part 2, which seek to safeguard protected species and promote biodiversity.

Other Matters

30. The Council acknowledges that there is a shortage in housing land supply in the District. The Annual Monitoring Report published in February 2019 found there to be 1.93 years' supply when measured against the standard methodology figure. This is considerably below the 5 years' supply, plus buffer, required by the National Planning Policy Framework.
31. Where a Planning Authority cannot demonstrate a 5 year housing land supply, paragraph 11 of the National Planning Policy Framework advises that applications involving the provision of housing should be granted permission unless, amongst other criteria, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
32. In this case the development would provide a net increase of 9 residential units, which would contribute to the pressing housing need in the District. I give this benefit modest weight. However, it is my view that the harm I have

¹ Tim Moya Associates, Bat Survey Report, September 2019, 190719-ED-02.

identified to the character and appearance of the area, and the living conditions of future residents, would significantly and demonstrably outweigh this benefit. These issues are equally supported by the National Planning Policy Framework in achieving well-designed places as they are in development plan policies. The presumption in favour of sustainable development is therefore not triggered in this case.

Conclusion

33. Although I have found no harm to neighbouring living conditions, highway safety, ecology or future occupants' living conditions in relation to internal space standards and privacy, I have found there to be harm to the character and appearance of the area and the living conditions of future residents with regard to outdoor recreation space. As a result of that harm I conclude that the appeal be dismissed.

Guy Davies

INSPECTOR